

## **REMARKS**

### **Claims Rejection Under 35 USC - 103**

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Thayer et al** (6,131,209) in view of **Beames** (D 466,543).

Thayer et al discloses eyewear comprises solid frames 60 having a lens; said frame 60 consisting of a one piece solid molded frame; said frames having a nose bridge which fits on top of a users nose; said frames secured around a user's head by a single band 52; said band 52 secured to said frames 60 by two securing pieces wherein said band 52 is removed from said frame by either or both of said securing pieces wherein Velcro is used for both securing pieces; wherein said band 52 can be totally removed from said frames and replaced with other similar bands. (see at least figure 5 and the related disclosure.)

Thayer et al teach a single lens in the frame, Thayer et al does not teach that a pair of lenses as that claimed by Applicant.

Eyeglasses have long been designed with the general objective of correction the vision of the eye of the wears. Numerous designs of dual lens glasses and single lens glasses have been developed, differing only in aesthetic feature.

Beames, however, discloses the frames having a pair of lenses.

Because Thayer et al and Beames are both from the same field of endeavor, the purpose of aesthetic feature as disclosed by Beames would have been recognized as an art pertinent art of Thayer et al.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the eyeglasses frame, such as the one disclosed by Thayer et al, with a pair of lenses, such as disclosed by Beames for the purpose of aesthetic feature.

The Examiner only adds Beames to disclose a frame having a pair of lenses. Thayer is the main reference used by the Examiner as prior art to the claims of the present invention.

Thayer contains five figures which describe all of the embodiment taught in the reference. All of these embodiments describe Thayer as having a storage compartment for cleaning ones eyewear. Further, the title of the invention is "eyewear cleaning apparatus". The abstract of the invention describes it as an "eyewear cleaning apparatus". The Background of the Invention describes cleaning apparatus' associate with eyeglasses. Further, the Background of the invention in Col. 2 describes that the prior art patents do not suggest any cleaning apparatus which may be conveniently, protectively and unobtrusively stored in association with an eyewear retaining band. The Summary of the Invention describes the invention as relating to an eyewear retaining band having a compartment where a cleaning cloth is carried. All of the embodiments described and the figures show a storage area for a cleaning apparatus. Further all of the claims of the Thayer patent relate to an eyewear cleaning apparatus.

Thayer which teaches an eyewear cleaning apparatus in combination with Beames which the Examiner states teaches frames having a pair of lenses does

not teach the elements of Claims 13-15. Claims 13-15 have "consisting of" language, none of such language includes the cleaning apparatus which is required and taught by the combination of Thayer and Beames.

Therefore, Claims 13-15 are not obvious over the prior art.

### **Claims Rejection Under 35 USC - 102**

Claims 13-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Sadowsky** (5,042,094).

Sadowsky discloses eyewear with prosthetic parts for small children comprises frame (3) for holding two lenses (20), the frame (the frame 30 is constructed with resilient material, preferably also soft and pliable see column 3, lines 21 and 22) secured to a head by a band (40), said band (40) secured to the frames by two securing pieces (42) including Velcro is used for both securing pieces and the band (40) can be totally removed from the frame and replaced with other similar band (see figure 1 and the related disclosure.) Note that solid frame means the frame having the interior completely filled up and free from cavity, or not hollow.

Applicant had previously responded to the same rejection in its response of July 5, 2005. After that response, the rejection was removed. The Examiner cannot now renew the rejection at this point. Applicant repeats those arguments in those papers if necessary.

### **Claims Rejection Under 35 USC - 102**

Claim 13 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Laschober** (4,930,885).

Laschober discloses eyeglasses with resealable headband support arrangement comprises one piece solid molded frame (14) for holding two lenses (16), the frame (14) having a nose bridge (18) with fits on top of the user nose, the frame (14) secured to a head by a band (28), said band (28) secured to the frames by two securing pieces (30), wherein the band (28) is removed from the frame by either or both of the securing means (see figures 1-4 and the related disclosure.)

Applicant had previously responded to the same rejection in its response of July 5, 2005. After that response, the rejection was removed. The Examiner cannot now renew the rejection at this point.

Applicant had previously responded to this reference in its response of February 14, 2006. The Examiner then removed that reference as prior art. The Examiner cannot now renew the rejection at this point. Applicant repeats those arguments in those papers if necessary.

Applicant believes the application is in condition for allowance.

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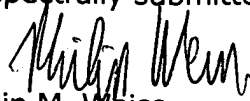
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Respectfully submitted,



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